

OCTOBER 19, 2015

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Vaezi at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Mayor Clancy, Watters, Spender, Farino, Drazek, Minter, Keggan.

Absent: Hight, Barton, Hazen, Sams, Creedon.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

Regarding the minutes of the September 21, 2015 meeting, Drazek amended the last sentence on page four by eliminating the word *isn't*. Drazek amended the third sentence in the first paragraph on page five to read "Farino stated a homeowner should **not** have to pay for something . . ." Lastly, Drazek amended the sentence at the bottom of page five beginning with the word Vaezi, to read ". . .happy with one year terms, it is **not** necessary to advertise."

MOTION was made by **DRAZEK** to approve the **minutes** of the **September 21, 2015** meeting, as amended.

SECONDED: FARINO.

Those in favor: Mayor Clancy, Watters, Spender, Farino, Drazek, Minter, Keggan, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to approve the resolution for Case #15-03, Township of Mansfield, as amended.

SECONDED: DRAZEK.

Those in favor: Spender, Farino, Drazek, Minter, Keggan, Vaezi.

Opposed: None.

Abstained: None.

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Consideration of Proposed Ordinance No. 2015-16, An Ordinance of the Township of Mansfield, County of Warren, State of New Jersey, Amending and Supplementing Chapter 363 Titled "Zoning Article VI. A Agricultural, R-1 Residence and R-2 Residence Districts" Subsection 363-2S Titled Accessory Uses

DiSessa explained the existing Ordinance has requirements for accessory structures, but they aren't separated by zones. DiSessa explained the proposed Ordinance appears to attempt to clarify accessory structure sizes, and also increases the distances from property lines.

Mayor Clancy explained the existing Ordinance addressed tool sheds, but not pole barns.

Farino stated the structure should be allowed if the setbacks are maintained and the neighbors agree with the proposed.

DiSessa explained that an applicant has to file an application with the zoning officer, and if in compliance, the zoning permit is issued. If the application doesn't comply with the current requirements, DiSessa explained the applicant needs to go to the board for a variance.

Further discussion took place regarding reasonable square footage for accessory structures in the A Zone, in particular where the property consists of a large number of acres.

Minter asked where the model Ordinance was obtained, and was it obtained from a community similar to Mansfield Township. Mayor Clancy indicated the Township Engineer and Attorney proposed the Ordinance, and he didn't know where it came from originally.

DiSessa questioned the setback distances from the road, rear, and side yard property lines. DiSessa explained the R-2 Zone has some very small lots, and more restrictive setbacks in that zone would be onerous to those property owners. DiSessa suggested leaving a five foot rear yard setback for lots of one acre and below and/or 22,000 square feet and below.

Edleston recommended the board authorize DiSessa write a letter to the Township Committee/Township Engineer addressing the comments made by the board. Edleston indicated the comments would include that the proposed model Ordinance should have been used from a community similar in nature to Mansfield Township, the distance to the property line should be reviewed, and the rear and side yard setbacks in the R-2 should be reconsidered for lots less than an acre/22,000 square feet.

Minter and Keggan asked why there should be any size restrictions in the A Zone when the acreage is over five to ten acres.

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MOTION was made by **VAEZI** to authorize DiSessa to draft a letter to the Township Committee/Township Engineer addressing the concerns as related above regarding the **proposed Ordinance No. 2015-16.**

SECONDED: MINTER.

Those in favor: Farino, Drazek, Minter, Keggan, Watters, Spender, Vaezi.

Opposed: None.

Abstained: Mayor Clancy.

Case #15-04, Shongum Sportsmen's Association, a NJ Corporation

Present for the applicant: Robert Campbell, Esquire; Wayne Jarvis, P.L.S.; John Gumann, President

Mayor Clancy recused from the discussion.

Campbell explained the application was a request for a lot line adjustment to allow **9.134** acres to be transferred from Coyne Enterprises, Inc. to Shongum Sportsmen's Association.

Jarvis related his credentials, and was sworn in by Edleston. Jarvis explained the lot line adjustment would add acreage to Shongum's property. Jarvis explained the buffer to the surrounding property would be increased. Jarvis explained further there are approximately twenty members who use the property during hunting season, and this addition of the acreage would allow for additional maneuvering of the hunting activities.

Gumann was sworn in by Edleston, and explained they are under contract to purchase the property pending the Land Use Board approval. Gumann explained the property is wooded, vacant land, and there is currently no plan to develop the property. Gumann indicated there is already a woodland management program in place for over fifteen years, and that would remain in place. Gumann explained there is no other activity planned for the land other than hunting.

Jarvis stated the property is deed restricted so as to prohibit building development on the property, and the nine acre parcel will remain wooded. Gumann stated the club has agreed to the deed restriction as cited in the supplemental information. Jarvis mentioned there is information including a proposal from a university to provide the land in order to do a study on a hybrid chestnut tree.

Campbell explained the purchase of the property doesn't enable an intensification of the use, or allow the club to build or develop the property further. DiSessa stated the application is pretty self-explanatory, and there are no new lots being created.

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Minter questioned if any future development plans would include the added acreage. DiSessa stated the additional acreage would be included with the main lot, and they would be deed restricted from future development on the nine acres.

Keggan asked if the club is a private club. Gumann replied the club is a members-only club, but the members are allowed to bring a guest.

Campbell stated, as part of a good neighbor policy, there are two police departments who are allowed to use the range for qualifying purposes.

Edleston agreed there was no notice required for this application since there were no variances being requested.

MOTION was made by **VAEZI** to deem the application for **Case #15-04, Shongum Sportsmen's Association, a NJ Corporation** complete, and to grant the requested waivers as recommended by DiSessa.

SECONDED: FARINO.

Those in favor: Drazek, Minter, Keggan, Watters, Spender, Farino, Vaezi.

Opposed: None.

Abstained: None.

The hearing was opened to the general public for comments and questions. There were no comments or questions from the audience.

MOTION was made by **FARINO** to grant minor subdivision/lot line adjustment approval for Case #15-04, Shongum Sportsmen's Association, a NJ Corporation, subject to any conditions as discussed and presented.

SECONDED: DRAZEK.

Those in favor: Minter, Keggan, Watters, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: None.

Under old business, Farino wasn't sure why Mr. Kittle should be penalized for the lack of clarification of accessory structures in the Ordinance. DiSessa explained the difference between his interpretation as the prior zoning official, and the current zoning official's interpretation of accessory structures vs. tool sheds.

Watters indicated that Kittle's application was viewed as a tool shed, but should have been addressed as an accessory structure.

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Edleston indicated the Township Committee could authorize the zoning officer to rescind their denial based on the application being viewed as an accessory structure, and not a tool shed. Edleston stated he would contact the zoning official.

DiSessa indicated the past interpretation of the Ordinance for accessory structures (other than tool sheds) was no size limit in certain zones where there is a large lot size.

MOTION was made by **FARINO** to authorize payment by the Township Committee the invoices submitted by the professionals.

SECONDED: VAEZI.

Those in favor: Keggan, Mayor Clancy, Watters, Spender, Farino, Drazek, Minter, Vaezi.

Opposed: None.

Abstained: None.

Minter asked if Finelli addressed the excessive automobile parking at the Enterprise location, as requested at the last meeting. Edleston replied he would mention the matter to Finelli.

DiSessa mentioned that Yusen submitted one copy of a driveway improvement plan.

Vaezi asked why the Zoning Officer budget line item is included with the Land Use Board's budget. Zotti stated she would ask the CFO.

The Chairman adjourned the meeting at 9:04 PM.

Respectfully submitted,

Patricia D. Zotti, Secretary
(As Amended)